



The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



February 1, 2005

CERTIFIED MAIL
7000 1670 0001 2915 7516
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

State of New Hampshire
Department of Transportation
7 Hazen Dr.
Concord, NH 03302

Attn: Frank Bauer, District Construction Engineer

Re: NH DOT Bridge Design
RTE 101 EB & WB OVER NH 28A
Manchester, New Hampshire
EPA ID # NHD510181985

Dear Mr. Bauer:

On October 8, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted a partial inspection of a NH DOT Bridge Design ("DOT") site located on S. Mammoth Rd. in Manchester, NH. The purpose of the inspection was to determine DOT's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

The inspection focused on the physical storage and handling of hazardous waste. No formal evaluation of the pertinent administrative plans and documents, such as general inspection requirements for your hazardous waste storage areas, personnel training plan, contingency plan, manifest requirements, or other recordkeeping requirements, took place during the inspection.

On December 11, 2004, DES received a faxed copy of a manifest from Jerry Zoeller, DOT Civil Engineer. The manifest indicates that on October 12, 2004 the seventeen (17) 55-gallon containers of hazardous waste stored at the site were transported to Michigan Disposal Waste Treatment Plant. Therefore, the storage deficiencies itemized below have been resolved, however, DES requests DOT to ensure that these storage deficiencies are not repeated during future bridge design projects. In addition to the itemized storage deficiencies identified below, DOT must ensure that all hazardous wastes generated during bridge design projects are managed according to the rules of Env-Wm 500, including, but not limited to:

- a. The Environmental and Health Requirements specified in Env-Wm 506;
- b. The Storage Requirements specified in Env-Wm 507.01;

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2900 • Fax: (603) 271-2456 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

- c. The Storage Time Requirements specified in Env-Wm 507.02;
- d. The Packaging/Labeling/Pre-transport Requirements specified in Env-Wm 507.03;
- e. Full Quantity Generator requirements, as specified in Env-Wm 509; and
- f. The Delivery Requirements specified in Env-Wm 511.01

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 507.01(b) - Impervious Surface

At the time of the inspection, seventeen (17) containers of hazardous waste lead debris, stored in the outdoor storage area, were not stored on an impervious surface. See the attached Container Inventory ("Inventory").

Env-Wm 507.01(b) requires hazardous waste containers to be stored on impervious surfaces. Impervious surfaces include concrete and asphalt unless cracks or holes are present and do not include earthen, wooden or gravel surfaces.

DES requests DOT to ensure all hazardous waste containers are stored on impervious surfaces during future projects that generate hazardous wastes.

2. Env-Wm 507.01(e) – Outside Storage Requirements

At the time of the inspection, the seventeen (17) containers of hazardous waste lead debris stored in the outdoor storage area were not covered (see the attached Inventory).

Env-Wm 507.01(e) requires that hazardous waste containers stored outside shall be covered to prevent precipitation from coming in contact with the tops of the containers.

DES requests DOT to ensure all containers of hazardous waste stored outside are covered during future projects that generate hazardous wastes.

3. Env-Wm 507.03(a)(2) - Marking

At the time of the inspection, the label of one (1) 55-gallon container, stored in the outdoor storage area was obscured (see the attached Inventory).

Env-Wm 507.03(a)(2) requires that all containers used for the storage of hazardous waste have labels that are not hidden by walls or other containers. DES requests DOT to ensure all containers used for the storage of hazardous waste have labels that are accessible for viewing during future projects that generate hazardous wastes.

4. Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, adequate aisle space was not provided for one (1) 55-gallon container stored in the outdoor storage area (see the attached Inventory).

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, Preparedness and Prevention, requires generators to maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02(e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requests DOT to ensure that the required aisle space is maintained for each container of hazardous waste stored in the hazardous waste storage area during future projects that generate hazardous wastes.

5. Env-Wm 509.02(c) – Outdoor Hazardous Waste Storage Area Requirements

At the time of the inspection, one (1) 55-gallon container of hazardous waste lead debris was stored outside of the fenced in outdoor storage area (see the attached Inventory). In addition to the one container, the gate to the outdoor storage area was not secure and there was no sign posted with the words: "Danger – Unauthorized Personnel Keep Out".

Env-Wm 509.02(c) requires full quantity generators to provide the following security measures at all outdoor storage areas:

1. An artificial or natural barrier, such as a fence in good repair, which completely surrounds the hazardous waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;
2. A means to control entry, at all times, through gates or other entrances to the hazardous waste storage area such as an attendant, television monitor, locked entrance or controlled roadway access to the area; and
3. A sign with the legend, "Danger - Unauthorized Personnel Keep Out", at each entrance to the hazardous waste storage area. Existing signs with other than the aforementioned legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.

DES

DES requests DOT to ensure that the security measures required by Env-Wm 509.02(c) are provided at the hazardous waste storage area during future projects that generate hazardous wastes.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents (*i.e.* manifests) that corroborate the corrective measures taken by DOT to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your hazardous waste generation sites at a later date to determine whether the sites are maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of DOT hazardous waste generation sites.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

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DES

Please contact DES to schedule a meeting to discuss the Hazardous Waste Rules and their application to DOT bridge design projects. To schedule the meeting or if you have questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor, at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: **DB**/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Paul L. Heirtzler, P.E., Administrator, Waste Management Programs, WMD
Scott Roystan, Vice President, Modern Protective Coatings, 159 Robinson Rd., Hudson, NH, 03051

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report